

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**CHIEF HEARING OFFICER DIRECTIVE**

**DOCKET NO. 2021-93-E ORDER NO. 2021-66-H**

**JUNE 1, 2021**

**CHIEF HEARING OFFICER: David Butler**

**DOCKET DESCRIPTION:**

**Dominion Energy South Carolina, Incorporated's Request for "Like Facility" Determinations Pursuant to S.C. Code Ann. § 58-33-110(1) and Waiver of Certain Requirements of Commission Order No. 2007-626**

**MATTER UNDER CONSIDERATION:**

**Petition to Intervene of Carolinas Clean Energy Business Association ("CCEBA")**

**CHIEF HEARING OFFICER'S ACTION:**

**This matter comes before the Chief Hearing Officer on the Petition to Intervene of CCEBA. The Petition is timely filed, and no objections to the intervention have been filed.**

**After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A (3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must: set forth clearly and concisely: (a) The facts from which the nature of the petitioner's alleged right or interest can be determined; (b) The grounds of the proposed intervention; (c) The position of the petitioner in the proceeding.**

**According to its Petition to Intervene, CCEBA is organized for the purpose of promoting and advocating public policy positions supportive of solar power generation in North and South Carolina. CCEBA is a 501(c)(6) organization representing all types of businesses in the clean energy sector, including developers, manufacturing, engineering, construction, professional and financial services, and non-energy businesses wishing to purchase clean energy. With over 50 members, including most of the utility-scale solar developers in North and South Carolina, CCEBA states that it monitors and participates in energy policymaking in both Carolinas. CCEBA states that it has appeared as an**

intervenor in multiple dockets in North Carolina under its prior name: North Carolina Clean Energy Business Alliance. In South Carolina, CCEBA has assumed the role previously filled by the South Carolina Solar Business Alliance ("SCSBA").

Factually, CCEBA asserts that it will be directly and substantially affected by the outcome of this proceeding and CCEBA's business interests will be directly and financially impacted by this Commission's resolution of the subject matter of this Docket. The specific grounds listed in the Petition assert that DESC's request is violative of the terms of the Settlement Agreement between DESC and the SCSBA. The Settlement Agreement was filed with this Commission on November 30, 2018, in Docket Nos. 2017-207-E, 2017-305-E and 2017-370-E, Order No. 2018-804, dated December 21, 2018, (hereinafter as the "Settlement Agreement"). According to the Petition, the SCSBA Settlement was part of this Commission's Overview of the Matter and Summary of the Basis for the Commission's Ruling, on page "8" of Order No. 2018-804. Specifically, the Settlement Agreement required, according to the Petition, that "SCE&G shall not procure or apply to certify a new generating resource with a nameplate capacity of more than 75 megawatts without first conducting a competitive, all-source solicitation ("RFP")." Section "2" "A" on page "3" of Settlement Agreement.

Also, the Petition asserts that Commission Order No. 2007-626, dated September 13, 2007 in Docket No. 2005-191-E, advised South Carolina utilities, inter alia, "...it is in the best interest of the electric ratepayers of South Carolina and the regulated community of electric utilities to only require mandatory RFPs for new peaking generation." Page "1" of Order 2007-626. However, this Commission, in Order No. 2007-626, which requires an RFP for generation, does not specify or limit that generation, to a specific technology, according to CCEBA. CCEBA also states that its interests cannot be adequately addressed by any other party. CCEBA also asserts that its Intervention will aid this Commission, by assisting in the development of a full and fair record to address the important decision to be made in this Docket. With regard to its position, CCEBA asserts that it has substantial

and specific economic interests in renewable energy in South Carolina and the Commission's actions thereon.

From these assertions, this Hearing Officer holds that CCEBA has successfully satisfied the three criteria for intervention stated in the Regulation. CCEBA's interest in this matter can clearly be discerned, as can the grounds for the intervention, and CCEBA's position. Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of CCEBA is hereby granted in this Docket. This completes the Chief Hearing Officer's Directive.